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*ADMITTED IN DC ONLY

November 15, 2018

Re: *Fund Liquidation Holdings LLC v. Citibank, N.A.*, No 16-cv-05263
 (AKH) (S.D.N.Y.)

Dear Judge Hellerstein:

We represent Credit Suisse AG in the above-captioned litigation and write on behalf of the remaining Defendants¹ to respectfully request a brief adjournment of the November 28, 2018 status conference until after the Court rules on Defendants' just-filed motion to dismiss the Third Amended Complaint.

On October 4, 2018, the Court issued its ruling granting in part and denying in part Defendants' motion to dismiss the Corrected Second Amended Complaint. *FrontPoint Asian Event Driven Fund L.P. v. Citibank N.A.*, 2018 WL 4830087 (S.D.N.Y. Oct. 4, 2018) ("SIBOR II"). SIBOR II set a schedule for Plaintiffs to file a third amended complaint by October 25, 2018, for the remaining Defendants to file answers or otherwise respond by November 15, 2018, and for a status conference on November 28, 2018. In compliance with that schedule, the remaining Defendants have filed a motion to dismiss that raises several case-dispositive issues that arise from Plaintiff's allegations in the Third Amended Complaint, and which thus were not addressed by this Court in SIBOR II, including issues concerning whether this Court has subject matter jurisdiction over this case and can exercise personal jurisdiction over certain remaining Defendants. Defendants respectfully submit that these threshold questions concerning jurisdiction should be resolved before the parties can meaningfully discuss

¹ The remaining Defendants are: Bank of America, N.A., The Royal Bank of Scotland plc, UBS AG, BNP Paribas, S.A., Oversea-Chinese Banking Corporation Ltd., Deutsche Bank AG, Credit Agricole Corporate and Investment Bank, Credit Suisse AG, Standard Chartered Bank, DBS Bank Ltd., United Overseas Bank Limited, Australia and New Zealand Banking Group, Ltd., MUFG Bank, Ltd. (formerly The Bank of Tokyo-Mitsubishi UFJ, Ltd.), and The Hongkong and Shanghai Banking Corporation Limited.

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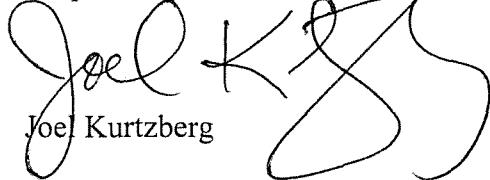
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how, if at all, this case should proceed. *Boelter v. Hearst Communications, Inc.*, 2016 WL 361554, at *5 (S.D.N.Y. Jan. 28, 2016) (staying discovery where Defendant “contend[ed] that Plaintiff lacks standing, [and] that the Court lacks jurisdiction” because “an initial review of the arguments presented in its support suggest that none are frivolous and, because succeeding on each argument alone may warrant dismissal of Plaintiff’s entire complaint”); *Port Dock & Stone Corp. v. Oldcaster Northeast, Inc.*, 2006 WL 897996, at *2 (E.D.N.Y. Mar. 31, 2006) (staying discovery where “defendants’ [personal jurisdiction] arguments do not appear to be frivolous or unfounded”). Accordingly, Defendants respectfully request that the current court conference be adjourned until after the Court rules on remaining Defendants’ motion.

In the alternative, to the extent the Court would prefer to move forward with the status conference before ruling on the motion to dismiss, Defendants respectfully request that the Court postpone the status conference until after briefing on Defendants’ motion to dismiss is complete on December 6, 2018, so the Court and the parties can have the benefit of full briefing before the conference.

Defendants have conferred with Plaintiff about this request, and Plaintiff opposes Defendants’ request. But Defendants respectfully submit that it makes sense to adjourn the status conference until after the Court resolves Defendants’ motion to dismiss the Third Amended Complaint or, at the very least, until briefing on that motion has been completed.

Respectfully submitted,



Joel Kurtzberg

The Honorable Alvin K. Hellerstein
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

BY ECF

cc: Counsel of Record